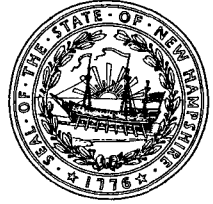




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-75**

November 18, 2004

William Fay
PO Box 625
Thorndike, MA 01079

RE: DES Wetlands File #2003-00679 Off Rte 106, Belmont

Dear Mr. Fay:

On November 16, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Belmont Tax Map 237 as Lot 23 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Siltation and erosion controls were not installed in accordance with permit condition number 5.
2. Dam rubble and dredged materials were left within the jurisdiction of the DES Wetlands Bureau impacting approximately 500 square feet of bank and channel in contradiction with permit condition 8.
3. The banks directly adjacent to the Tioga River were left unstabilized and sediment was eroding into the river bed in violation of conditions 9, 13, and 14.

The following administrative violations have also been documented:

1. DES Wetlands Bureau never received final stream diversion plans in accordance with condition 2 of the permit.
2. The Belmont Conservation Commission was never notified, in writing, of the commencement of work in accordance with condition number 4 of the permit.

In response, you are requested to take the following actions:

1. Immediately install and maintain erosion controls, such as silt fence.
2. At our site inspection on November 16, 2004, DES flagged the limits of jurisdiction and the limits of material that must be removed. A copy of this removal plan is included with this correspondence. By December 15, 2004, remove the remnant material within the bed and banks of the Tioga River as staked by NH DES Wetlands and relocate the fill outside of jurisdiction.

3. By December 17, 2004, the exposed slopes adjacent to jurisdiction shall be loamed and seeded with a conservation mix and stabilized utilizing erosion control blankets installed in accordance with the manufacturers specifications.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

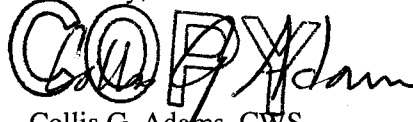
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jocelyn Degler, Wetland Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603)271-4065 or via e-mail at jdegler@des.state.nh.us.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 0964

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Jeffrey Blaney, DES Dam Safety
Belmont Conservation Commission
Belmont Board of Selectmen
USACOE